

NOTE: Pursuant to Fed. Cir. R. 47.6, this order  
is not citable as precedent. It is a public order.

**United States Court of Appeals for the Federal Circuit**

03-1629, -1652

99-501-JRT/FLN  
RECD  
NOV 10 2003

ITRON, INC.,

Plaintiff-Appellant,

v.

RALPH BENGHIAT,

Defendant-Cross Appellant.

RECEIVED  
U.S. COURT OF APPEALS FOR  
THE FEDERAL CIRCUIT

Oct 10 2003

JAN HORBALY  
CLERK

ON MOTION

ORDER

Upon consideration of the parties' joint stipulation of dismissal with prejudice,

IT IS ORDERED THAT:

The motion is granted.\*

FOR THE COURT

OCT 29 2003  
\_\_\_\_\_  
Date

cc: Randall T. Skaar  
Cyrus A. Morton

ISSUED AS A MANDATE: OCT 29 2003

*Jan Horbaly* /ka/  
Jan Horbaly CERTIFIED COPY  
Clerk I HEREBY CERTIFY THIS DOCUMENT  
IS A TRUE AND CORRECT COPY  
OF THE ORIGINAL ON FILE.

UNITED STATES COURT OF APPEALS  
FOR THE FEDERAL CIRCUIT

By: *K. Englehardt* Date: *10/29/03*

\* We note that parties request that this dismissal be with prejudice,  
however, it is not the practice of this court to dismiss with or without prejudice.

NOV 6 2003  
FILED  
RICHARD D. SLETTEN, CLERK  
JUDGMENT ENTD  
DEPUTY CLERK